

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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MONADNOCK CONSTRUCTION, INC.,

Plaintiff,

-against-

WESTCHESTER FIRE INSURANCE
COMPANY,

Defendant.

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WESTCHESTER FIRE INSURANCE
COMPANY,

Third-Party Plaintiff,

-against-

GLASSWALL, LLC, UGO COLOMBO, and
SARA JAYNE KENNEDY COLOMBO,

Third-Party Defendants.

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NOTICE OF MOTION TO RELEASE LETTER OF CREDIT

PLEASE TAKE NOTICE that upon the annexed Declaration of James P. Cinque, Esq., sworn to January 11, 2019 and the exhibits annexed thereto, third-party defendant Glasswall, LLC will move this Court at the United States Courthouse, United States District Court, Eastern District of New York, 225 Cadman Plaza East, Brooklyn, New York, before Magistrate Judge Vera M. Scanlon on February 15, 2019 at 10:00 a.m. or as soon thereafter as counsel can be

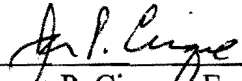
heard for an Order releasing the \$1,587,000.00 letter of credit posted by Glasswall and held by third-party plaintiff Westchester Fire Insurance Company ("Westchester Fire") upon its issuance of performance bonds in favor of plaintiff Monadnock Construction, Inc. ("Monadnock"), upon the ground that Monadnock has dismissed all claims against Westchester Fire and therefore Westchester Fire has no liability under the performance bonds.

PLEASE TAKE FURTHER NOTICE that pursuant to the Court's December 11, 2018 Order answering papers must be served on or before February 1, 2019.

DATED: NEW YORK, NEW YORK
JANUARY 11, 2019

Respectfully submitted,

CINQUE & CINQUE, P. C.

By: 
James P. Cinque, Esq.

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